

Amendment and Response

Applicant: Spero Payton

Serial No.: 10/753,886

Filed: January 7, 2004

Docket No.: P298.101.101

Title: MANUAL SNOWPLOW WITH A WOODEN BLADE

REMARKS

This is responsive to the Non-Final Office Action mailed May 16, 2006. In that Office Action, the Examiner rejected objected to the Abstract and recommended that both occurrences of the word "invention" be deleted. Further, claims 2, 3, 5-15, and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Brown, U.S. Patent No. 1,514,076 ("Brown") in view of Williamson, U.S. Patent No. 4,947,562 ("Williamson"), Rank, U.S. Patent No. 5,117,530 ("Rank"), and Fulton, U.S. Publication No. 2001/0045029 ("Fulton"). Claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Brown in view of Williamson, Rank, and Fulton, and further in view of Hainer, U.S. Patent No. 5,779,293 ("Hainer").

With this Response, claim 17 has been amended. Claims 2, 3, 5-15, 17, and 18 remain pending in the application and are presented for reconsideration and allowance.

Objection to the Specification

As suggested in the Office Action, with this Response, the Abstract has been amended to delete the word "invention".

35 U.S.C. §103 Rejections

With this Response, claim 17 has been amended to recite a method of plowing snow including providing a manual snowplowing device including a rigid wooden blade having a flat front face. In contrast, the front face of the blade 1 of Brown is clearly curved, for example as shown in FIG. 4. Thus, Brown does not teach at least this limitation of claim 17. Further, Brown teaches away from the blade 1 being modified to define a flat front face. In particular, Brown requires the curved or arcuate part 2 of the blade 1 to effectuate "rolling" or "turning" of snow being plowed by the snow pusher. *Brown*, page 1, ll. 10-14 and ll. 74-75. Thus, because modifying Brown to provide a flat front face would render the Brown blade 1 unsatisfactory for its intended purpose, a requisite suggestion or motivation to modify Brown in accordance with amended claim 17 does not exist. In addition, it is respectfully submitted that a requisite suggestion does not exist for forming the blade 1 of Brown out of wood as otherwise set forth in

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claim 17. In particular, Brown specifically requires that the blade 1 be formed to provide flat parts 3 and 5, and the curved part 2, with the flat part 3 having a sharp edge. *Brown*, pg. 1, ll. 36-47. Were wood used as the blade 1 material, this specific construction would be difficult, if not impossible, to achieve. Thus, because the proposed modification would change the principle of operation of Brown, the teachings of the references are not sufficient to render the claims *prima facie* obvious. *MPEP* §2143.01 VI. For at least these reasons, then, it is respectfully submitted that amended claim 17 is allowable over the cited references.

Claims 2, 3, 5-15, and 18 all depend from claim 17, and thus for at least the reasons above, are also allowable. In addition, it is respectfully submitted that the base plate 10 and blade 1 of Brown do not define generally planar faces as otherwise set forth in claim 2. To the contrary, FIG. 4 of Brown clearly shows that the components are curved. Thus, it is respectfully submitted that claim 2 recites additionally allowable subject matter.

With respect to claim 5, the Office Action does not identify any teachings of Brown relating to a rectangular face plate. Thus, it is respectfully submitted that claim 5 recites additionally allowable subject matter.

With respect to the rejection of claim 12, it is respectfully submitted that providing the snow plowing device with a wooden blade having a length of approximately 48 inches and a height of approximately 5.5 inches is not an obvious design choice. To the contrary, conventional manual snow plowing devices, such as that of Brown, have a length less than 48 inches to enhance ease of maneuverability, along with a height greater than 5.5 inches to enhance a volume of snow that can be plowed. Applicant, on the other hand, has devised a manual snow plowing device that is contrary to this conventional wisdom. In particular, Applicant has surprisingly found that improved snowplowing can be achieved with a relatively inexpensive implement via a wooden blade having a length of 48 inches and a height of 5.5 inches (pg. 4, ll. 21-24). Thus, the particular conventions of claim 12 represent a significant improvement over the prior art. It is respectfully submitted, therefore, that claim 12 recites additionally allowable subject matter.

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Similarly, with respect to the rejection of claim 13, selecting pine wood as the material for the wooden blade represents more than just an obvious design choice. Once again, Applicant has found that in contrast to conventional metal-type snow plowing implements, a pine wood blade-based manual snow plowing device is not only inexpensive and easy to use, but optimizes handling and amount of snow that can be plowed (pg. 4, ll. 21-24). Thus, it is respectfully submitted that claim 13 recites additionally allowable subject matter.

With respect to the rejection of claim 18, the Office Action asserts that it would have been obvious to modify Brown in view of Hainer. Applicant respectfully disagrees. Brown specifically ascribes certain angular relationships of the top and bottom flat portions 3, 5 of the blade 1 relative to the curved portion 2. These specific relationships are best shown in FIG. 5 of Brown. Were the blade 1 of Brown to be rotated 180°, the necessary relationship of the flat portions 3, 5 relative to the curved portion 2 (as well as relative to the surface being plowed) would be destroyed. More particularly, because the flat part 5 is not disposed within the arc defined by the curved portion 2 (as shown in FIG. 5), the flat part 5 will not serve to ensure efficient wedging action for separating snow or ice from pavement as otherwise required by Brown. *Brown*, pg. 1, ll. 45-49. Thus, because the proposed modification would render Brown unsatisfactory for its intended propose and would change the principle of operation of Brown, a requisite motivation or suggestion to modify Brown in the manner advanced does not exist. *MPEP §2143.01*. Thus, it is respectfully submitted that claim 18 recites additionally allowable subject matter.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 2, 3, 5-15, 17, and 18 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 2, 3, 5-15, 17, and 18 are respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

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The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Timothy A. Czaja at Telephone No. (612) 573-2004, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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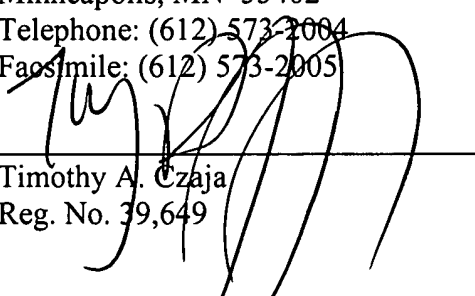
Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16th day of August, 2006.

By: 

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